IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1102 of 2005

Between:

G. Vijaya Kumar Goud, S/o. Sanjeeva Rayudu Goud,
17th and 18th Wards, Dhone, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool, Kurnool District.
3 The Mandal Revenue Officer, Dhone Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 1 in not passing any orders on the stay petition filed along with the appeal by the petitioner as illegal, arbitrary, and ultravires of the provisions of the A.P. State Public Distribution Control orders, 2001 and consequently set aside the proceedings of 2nd respondent dt. 10-1-2005 passed in Rc.B. 1735/2004.

Counsel for the Petitioner:MR.J.JANAKIRAMI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

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ORDER:

The petitioner was functioning as a Dealer of a fair price shop for Ward Nos.17 and 18 of Dhone, Kurnool District. He was issued a show cause notice, dated 28.12.2004 by the 2nd respondent, wherein certain charges were framed against him. The petitioner submitted his explanation on 04.01.2005. On a consideration of the same, the 2nd respondent passed an order, dated 10.01.2005 cancelling the authorization of the petitioner. Aggrieved by the order of cancellation, the petitioner preferred an appeal before the 1st respondent together with an application for stay. The 1st respondent refused to pass any interim orders. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The authorization of the petitioner was cancelled by the appointing authority duly following the procedure. The question as to whether the order of cancellation suffers from any illegality or infirmity needs to be decided in the appeal. Once the authorization of a Dealer is cancelled, it is not permissible to allow the same person to continue as dealer. Hence, no exception can be taken to the refusal by the 1st respondent to pass an interim order.

Hence, the writ petition is dismissed. However, the 1st respondent is directed to expedite the disposal of the appeal. There shall be no order as to costs.

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31.01.2005

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To

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool, Kurnool District.
3 The Mandal Revenue Officer, Dhone Mandal, Kurnool District.

4 Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

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